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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/857,497

11/07/2001

Zvi Slovin

233-94

6308

23117

7590

06/30/2006

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ARLINGTON, VA 22203

EXAMINER

NGO, NGUYEN HOANG

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

4

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/857,497	SLOVIN, ZVI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Nguyen Ngo	2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 April 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

This communication is in response to the amendment of 4/12/2006. All changes made to the Specification, Drawings, and Claims have been entered. Accordingly, Claims 1-5 are currently pending in the application.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farris et al. (US 6125113), in view of Menard (US 6944151), hereinafter referred to as Farris and Menard.

**Regarding claim 1, 3, 4, and 5**, Farris discloses a wireless network (wireless local loop system, figure 13 and figure 14) comprising;

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a data network (internet, 84 of figure 13) and a PSTN gateway unit (MTSO, 71 and 65 of figure 13);

at least one data line (seen in figure 13);

of landline connections between transceivers 61, 63, 73, 75 (figure 13 and col21 lines 10-15) and the MTSO (at least one base station (transceivers) connected to the gateway (MTSO) unit via a respectively corresponding one of said at least one data line (landline);

a multiplicity of wireless subscriber units (mobile stations, 59 and 71 of figure 13 and col21 lines 15-20) communicating wirelessly with the base station (transceivers) comprising at least one interface to a plurality of hosts including at least one telephone (56 and 79 of figure 13) host and at least one other non-telephone host (PC, 60 and 83 of figure 13);

wherein said base station is operative to perform packet switching (routing of data to correct destination) on incoming IP packets based on an IP destination address included in each said incoming IP packet (col10 lines 2-20);

wherein said gateway unit is operative to switch incoming data packets onto the data network (internet), to translate incoming voice packets from IP packet format into analog voice representation and to switch said analog voice representation onto the PSTN (converting voice signals from analog to digital format and vice versa, col10 lines 20-29).

Farris however fails to disclose the limitation of an analog converter and a packet switcher in each subscriber unit. Farris however discloses there need to provide the general public with an economical and convenient telephone service via the Internet without requiring the possession of computing equipment and to provide the public with impulse access to the Internet for voice communications without requiring maintenance of a subscription to an Internet access service (col3 lines 48-57), thus providing the motivation to incorporate some sort of analog converter and packet subscriber in the home local network so that users may efficiently communicate over a data network such as the Internet or the PSTN in a user friendly manner, and so that a conventional telephone may correctly communicate with a PC.

Menard however discloses a telephone to packet adapter (correlating to subscriber unit located in home) comprising a analog to digital and digital to analog full duplex (an analog converter operative to translate incoming information in IP packet format into analog voice representation and to feed said analog voice representation to the telephone host (telephone set 12 of figure 1), and to receive incoming analog voice information from the telephone host, to translate said incoming analog voice information into IP packet formatted information and to feed said IP packet formatted information to the base station (disclosed by Farris), col3 lines 29-37 and figure 1 and 6). Menard further discloses a controller circuit that either route the telephone interface to one of the telephone line and the packet network interfaces and route the Local Area Network (non-telephone host) interface to one of the telephone line and the packet network

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interfaces depending on at least one preestablished routing rule (a packet switcher operative to perform packet switching on IP packets arriving from the base station (base station of network structure disclosed by Farris) connected to the subscriber unit (adapter), including routing IP packets for hosts other than the telephone host to those hosts (LAN) and routing IP packets for the telephone host to the analog converter (D/A-A/D full duplex interface, col2 lines 1-6). It would thus be obvious to a person skilled in the art to incorporate the telephone to packet adapter disclosed by Menard into the hybrid communication network disclosed by Farris to efficiently communicate over a data network, such as the Internet or the PSTN in a user friendly manner, and so that a conventional telephone may correctly communicate with a PC without the need for complex equipment.

**Regarding claim 2**, the combination of Farris and Menard discloses all the limitation of claim 2, more specifically Menard discloses using a telephone set, PC, or LAN (col6 lines 7-10. It should be noted that a LAN might comprise a telefax, a data modem, or a cable modem, as well known in the art.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Chang et al. (US 2003/0095542), Apparatus and Method For Integrated Voice Gateway.

b) Jorgensen (US 2005/0232193), Transmission Control Protocol/Internet Protocol Packet-Centric Wireless Point to Multi-Point Transmission System Architecture.

c) Mundra et al. (US 2004/0032860), Quality Of Voice Calls Though Voice Over IP Gateways.

d) Bruno et al. (US 6356533), Apparatus And Method For Selecting Communication Modes.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen Ngo whose telephone number is (571) 272-8398. The examiner can normally be reached on Monday-Friday 7am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NN

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**RICKY Q. NGO**  
SENIOR PATENT EXAMINER